

Notice of Allowability

Application No.

10/080,766

Examiner

Michael P. Ferguson

Applicant(s)

SCHUBERT, GERHARD

Art Unit

3679

mw

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 13 April 2004.
2. ☒ The allowed claim(s) is/are 1-5 and 7-10.
3. ☒ The drawings filed on 08 December 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 052404 .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on May 24, 2004, Mark G. Kachigian requested an extension of time for 2 MONTH(S) and authorized the Director to charge Deposit Account No. 08-1500 the required fee of \$210.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the specification, on page 2 in line 28 deleted "In accordance with the invention that object is attained by the features of claim 1. ".

In the abstract, in line 2 deleted "for example".

In the abstract, in line 4 deleted "for example".

Canceled claim 6.

In claim 1, in line 3 after "active elements" deleted "such as, conveyor belts, transposing apparatuses, or robots".

In claim 1, in line 5 after "including" deleted " , " and replaced with -- : --.

In claim 1, in line 11 after "at which said first" deleted "pairs cross said second pairs" and replaced with --set of pairs crosses said second set of pairs--.

In claim 1, in line 12 after "including" deleted " , " and replaced with -- : --.

In claim 1, in line 13 after "longitudinally extending" deleted "pairs of profile members the" and replaced with --first set of pairs of profile members, the--.

In claim 1, in line 16 before "projections which stick" deleted "have" and replaced with --having--.

In claim 1, in line 19 after "longitudinally extending" inserted --first set of--.

In claim 1, in line 22 after "bearing against the" deleted "transversally extending pairs" and replaced with --transversally extending second set of pairs--.

In claim 1, in line 23 after "clamping plates" deleted "have" and replaced with --having--.

In claim 1, in line 24 before "profile members to hold" deleted "transversally".

In claim 1, in line 26 after "transversally extending" inserted --second set of--.

In claim 1, in line 27 after "upper most of said" inserted --second set of--.

In claim 1, in line 28 after "lower most of said" inserted --second set of--.

In claim 1, in line 29 after "locations where said first" deleted "pairs cross said second pairs" and replaced with --set of pairs crosses said second set of pairs--.

In claim 1, in line 30 after "including" deleted " , " and replaced with -- : --.

In claim 1, in line 31 after "against the upper" deleted "and lower second pairs" and replaced with --most and lower most second set of pairs--.

In claim 1, in line 32 after "clamping plates" deleted "have" and replaced with --having--.

In claim 1, in line 35 before "first and second clamping plates" inserted --wherein said--.

In claim 1, in line 37 after "locations where said first" deleted "pairs cross said second pairs there" and replaced with --set of pairs crosses said second set of pairs, there--.

In claim 1, in line 40 after "clamping together the" inserted --first and second--.

In claim 2, in line 2 before "profile members" deleted "plurality of pairs of".

In claim 3, in line 2 before "profile members" deleted "plurality of".

In claim 4, in line 2 before "profile members" deleted "plurality of".

In claim 5, in line 2 before "profile members" deleted "plurality of".

In claim 7, in line 1 after "as set forth in claim" deleted "6 wherein said at least one" and replaced with --1 wherein a--.

In claim 7, in line 2 after "between the projections on" deleted "the one side of the first clamping plate" and replaced with --one side of each of the first clamping plates--.

In claim 7, in line 3 after "on the other side of" deleted "said second clamping plate" and replaced with --each of said first clamping plates--.

2. The following is an examiner's statement of reasons for allowance:

As to claim 1, Shikoku Kakoki (EP 579 334) discloses a packaging machine comprising:

a main frame structure **57**;

active elements **17** such as conveyor belts, transposing apparatuses or robots;
intermediate elements for affixing the active elements to the main frame structure
including:

a plurality of pairs of profile members **51,52,28** respectively arranged in parallel
mutually juxtaposed relationship, the pairs including a first set **51,52** of the pairs
extending longitudinally and crossing transversally an extending second set **28** of the
pairs; and

first clamping plates **53** disposed at a height between the mutually crossing pairs
of the profile members at the locations at which the first set of pairs crosses the second
set of pairs, the first clamping plates further including:

at sides bearing against the longitudinally extending first set of pairs of profile
members, the first clamping plates having projections which stick up laterally of the
profile members to hold the profile members at a defined spacing to form a guide
means for sliding movement along the longitudinally extending first set of pairs of profile
members (Figures 2-4).

Shiokoku Kakoki fails to disclose a packaging machine comprising:

first clamping plates including:

at sides bearing against the transversally extending second set of pairs of profile
members, the first clamping plates having projections which stick up laterally of the
profile members to hold the profile members at a defined spacing and to form a guide
means for sliding movement along the transversally extending second set of pairs of
profile members;

second clamping plates disposed on top of an upper most of the second set of pairs of profile members and on a lower side of the lower most of the second set of pairs of profile members at the locations where the first set of pairs crosses the second set of pairs, the second clamping plates further including:

at sides bearing against the upper most and lower most second set of pairs of profile members respectively, the second clamping plates having projections which stick up laterally of the profile members to hold the profile members at a defined spacing;

wherein the first and second clamping plates overlap both profile members in a pair of profile members; and

at the locations where the first set of pairs crosses the second set of pairs, there is an intermediate space therethrough through which a clamping mechanism extends perpendicularly to the longitudinal axis of the intermediate elements between the profile members of each pair of the crossing pairs for clamping together the first and second clamping plates.

It would not have been obvious to one having ordinary skill in the art at the time the invention was made to modify a packaging machine as disclosed by Shikoku Kakoki to have the above mentioned elements as the prior art neither teaches nor suggest such modifications absent the applicant's own disclosure.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (703)308-8591. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703)308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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05/25/04

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